

**CITY COUNCIL MEETING
CITY OF WATERTOWN
December 2, 2013
7:00 p.m.**

Mayor Jeffrey E. Graham Presiding

Present: **Council Member Roxanne M. Burns** (arrived at 7:05 p.m.)
 Council Member Joseph M. Butler, Jr.
 Council Member Teresa R. Macaluso
 Council Member Jeffrey M. Smith
 Mayor Graham

Also Present: **Sharon Addison, City Manager**
 Robert J. Slye, City Attorney

City staff present: Jim Mills, Ken Mix, Kurt Hauk, Gene Hayes, Chief Herman, Barb Wheeler, Brian Phelps, Mike Sligar, Amy Pastuf, Erin Gardner, Captain Clark

The City Manager presented the following reports to Council:

- Resolution No. 1 -Reappointment to the Roswell P. Flower Memorial Library Board of Trustees, Linda C. Dittrich
- Resolution No. 2 - Designation of Official Newspaper
- Resolution No. 3 - Sidewalk Improvement Special Assessment Program, District No. 10
- Resolution No. 4 - Letter of Intent for City of Watertown to Cooperate with Other Municipalities in the Formation of a Jefferson County Cooperative Stormwater Group
- Resolution No. 5 - Finding That Changing the Approved Zoning Classification of VL-1 Indiana Avenue North to Residence B Will Not Have a Significant Impact on the Environment
- Local Law No. 1 of 2013 - A Local Law Deleting Certain Provisions of the City Code of the City of Watertown and Amending Chapter 112 – Businesses and Trades and Chapter 244 - Sales
- Public Hearing - Resolution Approving A Special Use Permit Request to Operate a Self Storage Facility in a Commercial District at 144 Eastern Boulevard, Parcel 5-16-320.100
- Public Hearing - Ordinance Changing the Approved Zoning Classification of VL1 Indiana Avenue North, Parcel 6-16-107, From Light Industrial to Residence B
- Sales Tax Revenue – October 2013
- Letter from Lynn Morgan, Habitat for Humanity
- Letter from Sean M. Hennessey, Dulles State Office Building
- CitiBus Bus Shelter Locations
- Request for Professional Services Agreement with Public Sector HR Consultants, LLC

Complete Reports on file in the office of the City Clerk

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of November 18, 2013 was dispensed and accepted as written by motion of Council Member Jeffrey M. Smith, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof except for Council Member Roxanne M. Burns who was not present.

COMMUNICATIONS

A claim was received from the owners of the Medical & Professional Arts Center, 161-171 Clinton Street and the Clinton Court Apartments, 150 Clinton Street seeking reimbursement for damages incurred when the water and sewer lines beneath Clinton Street backed up and flooded these buildings on September 5, 2012.

Above claims have been referred to the Board of Audit.

PRIVILEGE OF THE FLOOR

Jacob Johnson, 261 Mullin Street addressed the chair concerning the ZBA's denial on his use variance for a fence erected a few months ago on his property. He requested that Council make an exception for his fence or amend the fence law that was passed a few years ago. He stressed that his goal is to not have to pay the expense for removing his fence and replacing it with another material. He said that he feels the fence is not hurting another and it would be a shame to take it down at this point.

John Dewitt, 7809 Mart Road Adams spoke in support of Jacob Johnson's fence stating that he sees many chain link fences within a few feet of the sidewalk throughout the City. He said this is a beautiful fence and is not an eyesore to the community.

Dick Washburn, Alpine Fencing asked Council to amend the rules regarding fencing in order to accept chain link fences because they are more maintenance free. He mentioned that an unmaintained wooden fence can look worse than a chain link.

PRESENTATION

Mayor Graham mentioned that an award was on display for the Watertown Police Department's efforts towards decreasing the DWI rate.

PUBLIC HEARING

At 7:30 p.m. Mayor Graham asked the City Clerk to read the notice of Public Hearing Concerning Approving A Special Use Permit Request to Operate a Self Storage Facility in a Commercial District at 144 Eastern Boulevard, Parcel 5-16-320.100

Mayor Graham declared the hearing open at 7:30 p.m.

No one spoke.

Mayor Graham declared the hearing closed at 7:30 p.m.

At 7:31 p.m. Mayor Graham asked the City Clerk to read the notice of Public Hearing Concerning the Approved Zoning Classification of VL1 Indiana Avenue North, Parcel 6-16-107, From Light Industrial to Residence B

Mayor Graham declared the hearing open at 7:31 p.m.

No one spoke.

Mayor Graham declared the hearing closed at 7:31 p.m.

RESOLUTIONS

Resolution No. 1 -Reappointment to the Roswell P. Flower Memorial Library Board of Trustees, Linda C. Dittrich

Introduced by Council Member Roxanne M. Burns

RESOLVED that the following individual is hereby reappointed to the Roswell P. Flower Memorial Library Board of Trustees for an eleven-year term expiring on December 31, 2024:

Linda C. Dittrich
238 Flower Avenue West
Watertown, NY 13601

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.

Resolution No. 2 - Designation of Official Newspaper

Introduced by Council Member Teresa R. Macaluso

BE IT RESOLVED by the City Council of the City of Watertown, New York, that the *Watertown Daily Times* be and is hereby designated as the official newspaper of the City of Watertown, New York for the year beginning January 1, 2014 and ending December 31, 2014.

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Council Member Burns stated that she supports this resolution but wondered with all the advances in technology, if the City is still required to print all the public notices in the newspaper. She pointed out that this process is a large expense to the City and asked if public notices could be distributed by the internet or posted on a website.

Attorney Slye stated that the requirement for publication shows up in several New York State laws and that the City Charter requires some publications in the local newspaper as well.

Council Member Burns asked that this be looked it this further.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

Resolution No. 3 - Sidewalk Improvement Special Assessment Program, District No. 10

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City Engineering Department has inspected sidewalks within the City of Watertown, and

WHEREAS it has been determined that the condition of sidewalks on certain streets are in need of repair and/or replacement, and

WHEREAS the City Council of the City of Watertown feels it is in the overall public interest to provide property owners within the City of Watertown with an opportunity to pay for said repair/replacement work through a Special Assessment Program,

NOW THEREFORE BE IT RESOLVED that a Public Hearing will be held on Tuesday, January 21, 2014, at 7:30 p.m. at which time property owners included in the Special Assessment Program will have an opportunity to make comments on whether all or a portion of the cost for proposed sidewalk improvements should be a charge or expense upon the abutting property owners, and

BE IT FURTHER RESOLVED that the City Engineering Department will send notices to all property owners notifying them of their inclusion in this year's program and that there will be a public hearing to consider whether all or a portion of the cost for proposed sidewalk improvements should be a charge or expense upon the abutting property owners, and

BE IT FURTHER RESOLVED that the properties included in the Sidewalk Special Assessment Program, District No. 10 are those detailed in the attached report.

Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.

Resolution No. 4 - Letter of Intent for City of Watertown to Cooperate with Other Municipalities in the Formation of a Jefferson County Cooperative Stormwater Group

Introduced by Council Member Roxanne M. Burns

WHEREAS the City of Watertown recognizes the advantages of the Jefferson County Cooperative Stormwater Group and considers it the right thing to do at this time, and

WHEREAS a potential grant award from New York State to develop and implement the required Storm Water Management Plan(s) is timely and provides vital seed monies necessary to ensure the success of accurately defining the Inter Municipal Agreement (IMA), and

WHEREAS participating in the MS4 cooperative is contingent upon each municipal governing body's approval of the terms and conditions expressed in the IMA,

THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the City Manager to sign the letter of intent, a copy of which is attached hereto and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Council of the City of Watertown reserves the right to review and discuss the final IMA prior to electing whether or not to participate as a member of the Jefferson County Cooperative Stormwater Group.

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Council Member Smith noted that the City already has a Long-term Control Plan in effect with the DEC and wondered what the advantage would be to this cooperative group.

Mike Sligar, Water Superintendent explained the differences between the Long-term Control Plan and MS4 program stressing that they are two completely different programs. He reminded Council that the MS4 brings together nine municipal entities which will work together towards this. He pointed out that the entities will continue to talk and once the agreement document is completed, Council can decide if it is in the City's best interest. He confirmed that this is separate from sanitary water and looks only at storm water as a lesser pollutant source.

Council Member Smith commented that he is hesitate to jump into agreements like this because in the past, these types of agreements look good at first and then turn out to be not so great.

Mr. Sligar stressed that the City is not on the hook for anything at this point and can opt out at anytime. He added that the City still has to provide all of the work necessary regardless of whether the City is a part of the cooperative group.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

Resolution No. 5 - Finding That Changing the Approved Zoning Classification of VL-1 Indiana Avenue North to Residence B Will Not Have a Significant Impact on the Environment

Introduced by Council Member Roxanne M. Burns

WHEREAS the City Council of the City of Watertown, New York, has before it a proposed Ordinance changing the approved zoning classification of VL-1 Indiana Avenue North, parcel 6-16-107, from Light Industrial to Residence B, and

WHEREAS the City Council must evaluate all proposed actions submitted for its consideration in light of the State Environmental Review Act (SEQRA), and the regulations promulgated pursuant thereto, and

WHEREAS the approval of the zone change would constitute such an "Action," and

WHEREAS the City Council has determined that changing the zoning classification of this property is an Unlisted Action as that term is defined by 6NYCRR Section 617.2, and

WHEREAS to aid the City Council in its determination as to whether the proposed zone change will have a significant impact on the environment, Part I of a Short Environmental Assessment Form has been prepared, a copy of which is attached and made part of this Resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that:

1. Based upon its examination of the Short Environmental Assessment Form and comparing the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact is known and the adoption of the zone change will not have a significant impact on the environment.
2. The Mayor of the City of Watertown is authorized to execute the Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.
3. This Resolution shall take effect immediately.

Seconded by Council Member Teresa R. Macaluso

Prior to the vote on the foregoing resolution, Council Member Butler noted that the person requesting the zone change is not the owner of the property. He wondered how the property owner felt about the zone change.

Ken Mix, Planning Coordinator stated the Planning Board insisted on a letter of support from the property owner. He further explained that the property owner intends on selling the property to the homeowner.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

LOCAL LAW

Local Law No. 1 of 2013 - Deleting Certain Provisions of the City Code of the City of Watertown and Amending Chapter 112 – Businesses and Trades and Chapter 244 - Sales

Introduced by Council Member Jeffrey M. Smith

A local law deleting certain provisions of the City Code of the City of Watertown and amending Chapter 112 – Business and Trades and Chapter 244 – Sales.

WHEREAS the City Code of the City of Watertown should continuously be subject to review by the City Council to ensure that its provisions keep pace with the needs and desires of the citizenry of the City, and

WHEREAS the City Council’s review of the City Code of the City of Watertown has revealed several provisions which, due to the passage of time and the needs of the community are no longer necessary or desired, or have otherwise been pre-empted by State statutory provisions, and

WHEREAS the City Council of the City of Watertown deems it to be in the best interests of the citizens of the City to delete certain provisions from the City Code which had originally been adopted by local law, and

WHEREAS the City Clerk’s Office of the City of Watertown issues licenses and permits pursuant to the requirements set forth at Chapter 112 and Chapter 244 of the City Code, and

WHEREAS it has, upon review, become apparent that Chapter 112 and Chapter 244 of the City Code should be updated to reflect the current procedures of the Department.

NOW THEREFORE BE IT ENACTED by the City Council of the City of Watertown, New York that the following chapters of the Watertown City Code shall be deleted:

Section	General Description
Chapter 84	Auctions and Auctioneers
Chapter 219	Pawnbrokers
Chapter 226	Poolrooms and Billiard Parlors
Chapter 284	Transient Retail Businesses

, and

BE IT FURTHER ENACTED that Section 112-2 of the City Code of the City of Watertown is amended to read as follows:

§ 112-2. General licensing requirements.

Whenever a license or permit for any business or trade is required by this chapter, application therefore shall be made as provided in § 112-3, the fee therefore shall be as provided in Chapter A320, and such license or permit shall be issued in the manner and upon the conditions set forth in this chapter.

, and

BE IT FURTHER ENACTED that Section 112-3 of the City Code of the City of Watertown is amended to read as follows:

§ 112-3. Applications for licenses.

Applications for all licenses or permits required by this Chapter, except as may be required under the New York General Business Law relating to Liquidation Sales/Going Out of Business Sales, must be filed with the City Clerk upon forms provided for the purpose at least forty-eight (48) hours prior to the date upon which such license or permit is requested to be issued. The applicant's sales tax number is to be presented to the City Clerk upon application for a license.

, and

BE IT FURTHER ENACTED that Section 112-4 A. of the City Code of the City of Watertown is amended to read as follows:

§ 112-4. Issuance of license.

- A. The following officers or agencies of the City shall have the authority to issue or renew and shall hereafter be indicated and designated as the "issuing authority" for the respective licenses and permits indicated:

Section	License	Issuing Authority
§ 279-2	Tourist Camp	City Engineer
§ 244-2	Liquidation Sale / Going Out of Business Sale	City Manager
-----	All other licenses and permits required by this chapter	City Manager

, and

BE IT FURTHER ENACTED that Section 112-5 A. of the City Code of the City of Watertown is amended to read as follows:

§ 112-5. Fees.

- A. License or permit fees shall be paid in full at or before the issuance of the license or permit to the City Clerk and shall be deposited daily with the City Comptroller. For all annual licenses or permits granted between May 1 and October 31, inclusive, the full annual fee shall be paid; for all annual licenses or permits granted between November 1 and April 30, inclusive, one-half (1/2) of the annual fee shall be paid. The fees for the respective licenses and permits required under this chapter, shall be as set from time to time by the resolution of the City Council. A listing of said businesses requiring such licenses and permits is as follows:

Liquidation Sales/Going Out of Business Sales
Vending on Public Streets

, and

BE IT FURTHER ENACTED that Section 112-5 B. of the City Code of the City of Watertown is hereby deleted in its entirety, and

, and

BE IT FURTHER ENACTED that Section 244-3 of the City Code of the City of Watertown is amended to read as follows:

§ 244-3. Application.

Application for a license shall be made in writing pursuant the requirements of §583 of the New York General Business Law, as the same may, from time to time, amended.

, and

BE IT FURTHER ENACTED that Chapter 244 of the City Code of the City of Watertown is amended by deleting Sections 244-3 A., 244-3 B., 244-3 C., 244-3 D. and 244-3 E., and

BE IT FURTHER ENACTED that this Local Law shall take effect immediately upon being filed

with the New York Secretary of State.

Seconded by Council Member Joseph M. Butler, Jr.

Motion was made by Council Member Jeffrey M. Smith to schedule a Public Hearing on the foregoing local law for Monday, December 16, 2013 at 7:30 p.m. Motion was seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

OLD BUSINESS

The Resolution “Approving A Special Use Permit Request to Operate a Self Storage Facility in a Commercial District at 144 Eastern Boulevard, Parcel 5-16-320.100”. (Introduced on 11/18/2013; public hearing held this evening; appears in its entirety in the 2013 Minutes Book on page 13 of the 11/18/2013 minutes).

Mayor Graham said that this seems to be a run of the mill commercial activity and wondered why it would need a Special Use Permit.

Mr. Mix indicated that the use of storage and warehousing is enumerated in light and heavy industrial districts but there is no description of it in any other districts. He added that this was described as a different type of storage and being more in line with retail character so it falls under the category of “other uses”. Therefore, he said Council would need to approve a Special Use Permit as an “other use” in a commercial district.

Council Member Butler noted that the building is 22,000 sq ft and asked how the inside would be divided up.

Mr. Mix said they do not consider how the building is reconfigured and only look at whether this type of use is of the same general character and would not have a negative impact on the neighborhood. It is his understanding that personal property would be stored there. In regards to the opposition towards this, Mr. Mix said it really will depend on the management of the business.

Noting that no one spoke at the public hearing, Mayor Graham said this is a case of the right of the property owner to use their property for a use that they see fit.

Council Member Macaluso agreed and said the activity seems like it would be minimal.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

The Ordinance “Changing the Approved Zoning Classification of VL1 Indiana Avenue North, Parcel 6-16-107, From Light Industrial to Residence B”. (Introduced on 11/18/2013; public hearing held this evening; appears in its entirety in the 2013 Minutes Book on page 14 of the 11/18/2013 minutes).

At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea.

STAFF REPORTS

Letter from Sean M. Hennessey, Dulles State Office Building

Mayor Graham asked if the Police could look into this request.

CitiBus Bus Shelter Locations

Referring to the request for a bus shelter at Hilltop Apartments, Mayor Graham mentioned that there is an expense to putting these up and that the report shows that the door to the building is less than 40 feet away from where the requested shelter would be.

Council Member Burns said that bus shelters should be a budgeted item and more of them would enhance the City's public transportation system but she would rather see Council look at the City's need for bus shelters as a whole instead of a knee jerk reaction to one request. She reiterated that the distance from the building's door to the proposed bus shelter is only 39 feet.

Mayor Graham asked if a prioritized list for more bus shelters could be developed.

In response to Council Member Butler's inquiry, Gene Hayes Superintendent of DPW explained that \$15,000 was donated for the construction of additional bus shelters but that money is already committed to pending shelters to be completed.

Council Member Butler remarked that it is important to look at this and it should be an item for next year's budget because he has been approached by some of these individuals regarding this in the past.

Ms. Addison noted that the City should take advantage of the funding available for this with the designation of the MPO and that it should be pushed out to Fiscal Year 14-15. Unfortunately, she said the MPO is still at an impasse but she is meeting with the DOT next week.

Mayor Graham agreed that this type of request should be considered and not just wait for the free money because sometimes the free money may never come.

Mr. Hayes explained that the Transportation Committee would have final approval on the sites and that Kathy Webster, Transit Supervisor could report on potential sites throughout the City. He stressed that there are restrictions associated with the installation of these shelters at some locations and there needs to be a relationship with the property owner as well. He explained the differences in funding and cost share to the City currently verses through the MPO.

Council Member Butler asked if funding is available under the Community Development Block Grant.

Mr. Mix indicated that this may be a possibility if it can be documented that the bus shelter benefits the low to moderate income population.

Request for Professional Services Agreement with Public Sector HR Consultants, LLC

Council agreed to move ahead with this request and asked that a resolution be presented at the next meeting.

The following reports were available for Council to review:

Sales Tax Revenue – October 2013

Letter from Lynn Morgan, Habitat for Humanity

NEW BUSINESS

Fence at 261 Mullin Street

Council Member Butler pointed out that Council unanimously amended the fencing ordinance a couple of years ago in order to make it safer and to promote more attractive residential neighborhoods. In regards to other chain link fences throughout the City, they were grandfathered in because they were erected prior to the amendment. He said that he supported this amendment because he does not like the way chain link fences look and he has received several comments regarding this. He stressed that this situation was created by Jacob Johnson on his own because he ignored the direction given to him by the Code Department prior to construction.

Council Member Burns mentioned that there are a lot of chain link fences that were grandfathered in, but that there also has been some erected since which have not received the publicity similar to Mr. Johnson. She said that she is not condoning Mr. Johnson erecting something that he knew was against the Code. She pointed out a neighbor of Mr. Johnson's that recently installed a chain link fence that is not as attractive as Mr. Johnson's fence.

Mayor Graham said that he shares the feelings of both Council Member Butler and Council Member Burns. He agreed that this type of chain link fence looks better but it is tough to address this when Mr. Johnson openly defied the law. He is not sure what the best approach would be to handle this and asked what the procedure would be.

Attorney Slye said that the City would need to file a court order with Supreme Court.

Council Member Burns noted that Mr. Johnson's property is unique in that a vacant lot adjoins his home to the side and that is where the fence is so it is not your typical front yard fence.

Considering Mr. Johnson's occupation, Council Member Macaluso remarked this cannot be ignored.

Council Member Smith reviewed the history of previous fence amendments noting that the permit process is free to the homeowners. He stressed that the fence companies know that this requires a permit. He discussed the visibility issues caused by front yard fences and the fact that Mr. Johnson knowingly put the fence up without a permit or complying with the rules. He suggested that the Code Department send a letter to the fencing companies reminding them that a permit is needed prior to installing a fence.

Mayor Graham agreed that when a commercial firm puts up a fence, they should inform the property owner that a permit is necessary and they should not put a fence up without it.

Van Duzee and Main Street Avenue

Council Member Macaluso said that there used to be a mirror on the railroad overpass at this intersection and asked if it could be reinstalled because it is a dangerous intersection.

Mr. Hayes mentioned that this is owned by Conrail.

Feral Cats

Council Member Macaluso mentioned that she has received complaints of several feral cats at houses on Myrtle Avenue and South Hamilton Street.

Council Member Burns also mentioned a house in the 200 block of Ten Eyck Street.

Barben Avenue Sewer

Council Member Smith hoped that this will move forward.

Attorney Slye reminded Council that a Special Assessment District could be done but it is a question as to what the Council wants to do.

Mayor Graham agreed that it is worth doing so he has no problem moving ahead with it but Council must realize that there are probably going to be some complaints. He wondered if there has been discussion with the other homeowner.

Consultant's Report on the Arena

Mayor Graham commented that he has asked that this topic be put on for next week's work session.

ADJOURNMENT

At the call of the chair, meeting was duly adjourned at 8:08 pm by motion of Council Member Joseph M. Butler, Jr., seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

Ann M. Saunders

City Clerk